IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2975 OF 2004

Mr.Kailash Prasad Malpani .. Petitioner.
V/s.
Income Tax Officer,
Ward 18(2)(4), Mumbai & Others .. Respondents.

Mr.Firoz Andhyarujina, senior counsel with Ms.R.M. Sidhwa for the petitioner.

Mr.R.V. Desai, senior counsel with Ms.S.V. Bharucha for the respondents.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 5TH NOVEMBER, 2004.

P.C. :

During the course of motion hearing, Mr.R.V. Desai, the learned senior counsel for the revenue submitted that until disposal of appeal No.CIT(A)xviii/IT/96/2004-05 by the Commissioner of Income Tax (Appeals), no coercive process shall be taken by the revenue against the assessee / petitioner for recovery of demand plus interest.

2. We accept the statement of the learned senior counsel for the revenue and further direct that until period of four weeks from the date of disposal of the aforesaid appeal by the Commissioner

of Income Tax (Appeals), no coercive process shall be taken by the revenue for recovery of demand plus interest.

3. The writ petition is disposed of accordingly.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)